

State of New Hampshire



PERSONNEL APPEALS BOARD

25 Capitol Street
Concord, New Hampshire 03301
Telephone (603) 271-3261

Karen Stewart - Docket # 2011-T-015

NH Employment Security

November 3, 2011

A quorum of the New Hampshire Personnel Appeals Board (Wood and Bonafide) met in public session on Wednesday, November 2, 2011, under the authority of RSA 21-I:58 and Chapters Per-A 100-200, NH Code of Administrative Rules, to hear the appeal of Karen Stewart, a former probationary employee of New Hampshire Employment Security, who was appealing her April 22, 2011, termination from employment as a Certifying Officer I for allegedly failing to meet work standards during her probationary period. Attorney Richard J. Lavers appeared on behalf of the employer, with his witnesses, ready to proceed with the hearing. Neither Ms. Stewart, nor anyone representing Ms. Stewart, appeared for the hearing as scheduled.

The Board noted for the record that on October 27, 2011, it had received an email from the Appellant with attached correspondence addressed to Attorney Lavers in which Ms. Stewart indicated that she would not be attending the November 2, 2011, hearing by the Personnel Appeals Board and would be "pursuing other avenues." On October 28, 2011, the Board received a copy of Attorney Lavers' reply email to Ms. Stewart, advising that he and the Department's witnesses would be appearing as scheduled, unless he received notice that Ms. Stewart was actually withdrawing her appeal.

At the scheduled hearing, the Board asked Attorney Lavers if he had had any further communication with the Appellant. Attorney Lavers stated that he had not heard from Ms. Stewart since receiving the October 27, 2011, email from her. The Board also confirmed that its own staff had received no further correspondence or communication from the Appellant.

Per-A 207.03 Attendance by Parties at Hearings, provides the following:

- (a) Absent a showing of good cause as set forth below, failure of an appellant to appear for any scheduled hearing on the merits shall result in dismissal of the appeal.

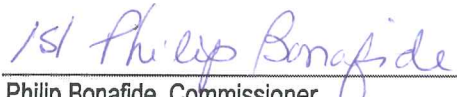
(b) Absent a showing of good cause as set forth below, failure of an appellee to appear for any scheduled hearing on the merits shall result in a decision on the appeal based on the pleadings submitted and the evidence admitted as of the time of the hearing.

(c) Good cause shall include circumstances which are beyond the control of the party and prevent that party's appearance as scheduled, such as accident or illness.

In accordance with the provisions of Per-A 207.03 (a), the Board, upon its own motion, voted unanimously to DISMISS the Appeal of Karen Stewart as a result of her failure to appear for her scheduled hearing on the merits of her appeal.

THE NEW HAMPSHIRE PERSONNEL APPEALS BOARD


Patrick Wood, Chair


Philip Bonafide, Commissioner

cc: Karen Hutchins, Director of Personnel
Richard Lavers, Counsel, New Hampshire Employment Security
Karen Stewart, Appellant